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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/669,104
Filing Date: September 23, 2003
Appellant(s): NOLTE, BJORN

Steven H. Noll
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 16, 2010 appealing from the Office action mailed August 20, 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

1-7 and 9-12.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

5513101

PINSKY

4-1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 U.S.C. 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent Number 5,513,101, Pinsky, et al., hereinafter Pinsky.

3. (Previously Presented) As per claim 1, Pinsky teaches a medical system architecture comprising:

at least one imaging modality that acquires medical examination images, (column 1, lines 44-67);

a computer workstation associated with said at least one imaging modality, (column 1, lines 44-67);

a data transfer device that transfers data and messages and said medical examination images between at least one client and at least one server, (column 1, lines 44-67);

a storage device connected to said data transfer device that stores at least said medical examination images, (column 1, lines 44-67);

at least one further computer workstation connected to said data transfer device configured for post-processing said data and said examination images, (column 1, lines 44-67); and

a proxy server in communication exclusively with said data transfer device configured to convert said messages between said at least one client and said at least one server according to predetermined transformation rules that make operation of said

proxy server transparent to said data transfer device, and thus to said at least one imaging modality, said computer workstation, said storage device and said at least one further computer workstation, (column 1, lines 44-67, column 5, lines 51-59, column 7, lines 1-6).

4. (Original) As per claim 2, Pinsky teaches the system of claim 1 as described above. Pinsky further teaches wherein said data transfer device exchanges said data, examination images and messages according to the DICOM standard, (column 2, lines 1-24 and column 8, lines 32-50).

5. (Original) Regarding claim 3, Pinsky teaches the system of claim 1 as described above. Pinsky further teaches comprising a rules memory, accessible by said proxy server, wherein said transformation rules are stored, (column 4, lines 8-29).

6. (Original) Regarding claim 4, Pinsky teaches the system of claim 1 as described above. Pinsky further teaches wherein said proxy server comprises a software product separate from said data transfer device, (column 4, lines 1-7).

7. (Original) Regarding claim 5, Pinsky teaches the system of claim 1 as described above. Pinsky further teaches wherein said proxy server operates at a same system node as said data transfer device, (column 5, lines 42-50).

8. (Original) Regarding claim 6, Pinsky teaches the system of claim 1 as described above. Pinsky further wherein said proxy server operates on a network node, (column 3, lines 19-44).

9. (Previously Presented) Regarding claim 7, Pinsky teaches a method for exchanging messages, comprising the steps of:

Providing a network comprising a plurality of nodes and a proxy server formulating messages at a first of said nodes which are to be transmitted to another of such nodes via [[a]] said network, each of said messages having a content, (column 5, lines 51-59, column 6, lines 38-67, column 7, lines 1-6, column 10, lines 5-9 and 46-52, and column 11, lines 24-30);

exchanging said messages between a client and a server connected to said network at respective nodes of said network, (column 5, lines 51-59 and column 7, lines 1-6); and

in said proxy server manipulating the respective contents of said messages during transmission of said messages in said network using a computerized conversion routine employing predetermined transformation rules that make said proxy server transparent to all of said nodes, (column 1, lines 44-67, column 5, lines 51-59, column 6, lines 38-67, column 7, lines 1-6, column 10, lines 5-9 and 46-52, and column 11, lines 24-30).

10. (Original) Regarding claim 9, Pinsky teaches the method of claim 7 as described above. Pinsky further teaches comprising formulating said messages according to the DICOM standard, (column 5, lines 51-59 and column 7, lines 1-6, and column 8, lines 32-50).

11. (Original) Regarding claim 10, Pinsky teaches the method of claim 7 as described above. Pinsky further teaches comprising selectively reconfiguring said predetermined transformation rules as needed, (column 6, lines 38-67).
12. (Original) Regarding claim 11, Pinsky teaches the system of claim 7 as described above. Pinsky further teaches comprising storing said predetermined transformation rules in a rules memory, and executing said conversion routine to manipulate the respective contents of the messages in a proxy server having access to said rules memory, (column 1, lines 44-67, and column 8, lines 32-50).
13. (Original) Regarding claim 12, Pinsky teaches the system of claim 7 as described above. Pinsky further teaches wherein said network comprises a plurality of DICOM nodes, and wherein the step of manipulating the respective contents of said messages comprises manipulating the respective contents of said messages in a manner transparent to said DICOM nodes, (and column 8, lines 32-50 and column 10, lines 46-52).

(10) Response to Argument

In the appeal brief filed April 16, 2010, Appellant makes the following arguments:

- (A) Pinsky, et al. fails to disclose a proxy server for converting messages between at least one client and at least one server according to predetermined transformation rules,
- (B) that Pinsky, et al. therefore does not teach dependent claims 2-6 since they set forth

different aspects related to the same general concept as claim 1, (C) that Pinsky, et al., does not teach independent claim 7 which is comparable to independent claim 1 and therefore does not teach depending claims 9-12 since they depend from claim 7.

(A) In response, the Examiner respectfully disagrees. It is readily apparent that Pinsky teaches a proxy server for converting messages between at least one client and at least one server according to predetermined transformation rules, (column 1, lines 44-67, column 3, lines 19-44, column 5, lines 51-59, column 6, lines 38-67, column 7, lines 57-63, column 8, lines 3-12, column 10, lines 5-9 and 46-52, and column 11, lines 24-30). Thus, the Examiner respectfully contends that Pinsky's system of using a server, WAN/LAN and image acquiring hospitals coupled to a regional radiology hub is an art recognized equivalent to a proxy server for converting messages between at least one client and at least one server according to predetermined transformation rules.

(B) In response, the Examiner respectfully disagrees. Claims 2-6 are dependent from Appellant's independent claim 1. As such, Appellant's remarks with regard to the application of Pinsky to these claims is moot in the above Office Action.

(C) In response, the Examiner respectfully disagrees. Claims 9-12 are dependent from Appellant's independent claim 7. As such, Appellant's remarks with regard to the application of Pinsky to these claims is moot in the above Office Action.

Appellant's arguments with regard to the application of Pinsky to claims 1-7 and 9-12 are moot in the above Office Action.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/A. L. A./
Examiner, Art Unit 3686
Amber L. Altschul

/Gerald J. O'Connor/
Supervisory Patent Examiner
Group Art Unit 3686

Conferees:

Gerald J. O'Connor /GJOC/
Supervisory Patent Examiner
Group Art Unit 3686

Vincent A. Millin /vm/
Appeals Practice Specialist
Technology Center 3600